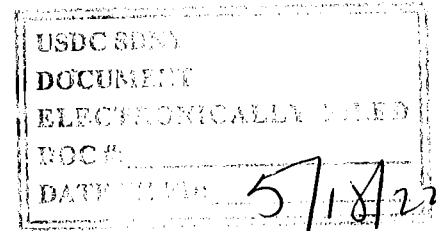


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Chambers of Vincent B. Brindetti5/18/22  
DHUNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
JOSEPH KRUPPENBACHER,  
Plaintiff,

v.

SUSAN M. HANN, Lieutenant GHCF,  
Defendant.  
-----X**ORDER**

20 CV 110 (VB)



On February 16, 2022, the Court entered an Order that, if defendant filed a motion to dismiss prior to March 9, 2022, plaintiff's opposition was due April 8, 2022, and defendant's reply was due April 22, 2022. (Doc. #22). The February 16 Order warned plaintiff that if he failed to oppose defendant's motion, or to seek an extension of time to do so, by April 8, 2022, the Court would deem the motion fully submitted and unopposed. (Doc. #22).

The February 16 Order was mailed to plaintiff at the address on the docket.

On March 9, 2022, defendant moved to dismiss. (Doc. #23). Accordingly, plaintiff's opposition to the motion was due on April 8, 2022. When plaintiff failed to respond by the April 8 deadline, the Court issued an Order on April 12, 2022, sua sponte extending plaintiff's deadline to oppose the motion to May 12, 2022. (Doc. #25). The April 12 Order warned plaintiff that if he failed to oppose the motion by May 12, the Court would deem the motion fully submitted and unopposed.

The April 12 Order was mailed to plaintiff at the address on the docket as well as to Fishkill Correctional Facility, where the DOCCS website indicated plaintiff was incarcerated.<sup>1</sup>

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<sup>1</sup> The copy of the April 12 Order mailed to Fishkill Correctional Facility was returned as undeliverable, but the copy of the Order mailed to the address on the docket was not so returned, indicating that plaintiff received it.

To date, plaintiff has failed to oppose the pending motion. Thus, the Court deems defendant's motion fully submitted and unopposed, and will decide it in due course.

The April 12 Order also directed plaintiff to update the Court in writing as to his current address by no later than May 12, 2022, and warned plaintiff that the Court may dismiss the action for failure to prosecute and comply with court orders if he failed to do so. To date, plaintiff has failed to comply with the Court's April 12 Order to update the Court as to his current address.

**Therefore, the Court sua sponte extends plaintiff's time to update the Court in writing as to his current address to June 21, 2022. If plaintiff fails to do so, the Court will deem this case abandoned and dismiss the case for failure to prosecute or comply with court orders. Fed. R. Civ. P. 41(b).**

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: May 18, 2022  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge